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3308



BSI-140

PATENT

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2/25/97
#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: G. Goicoechea et al. : Art Unit: 3308
Serial No.: 08/461,402 : Examiner: M. Milano
Filed: June 5, 1995 :
For: BIFURCATED ENDOLUMINAL :
PROSTHESIS :

RECEIVED
FEB 05 1997

GROUP 3300

PETITION FOR CORRECTION OF INVENTORSHIP PURSUANT
TO 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

Applicants, by their attorney, request that the inventorship of the above-identified application be changed from George Goicoechea, Claude Mialhe, and John Hudson, as joint inventors, to George Goicoechea, Claude Mialhe, John Hudson, Andrew H. Cragg, and Michael D. Dake, as joint inventors. The names of Andrew H. Cragg and Michael D. Dake were omitted from the transmittal papers of this application through error without any deceptive intention on the part of the actual inventors.

As required by 37 C.F.R. § 1.48(a), enclosed with this petition are:

(a) a statement of facts verified by each of the original named inventors establishing when the error without deceptive intention was discovered, and how it occurred, and the diligence with which this petition is being made with respect to these facts;

(b) a statement of facts verified by the attorneys who prepared and filed the application, establishing when the error without deceptive intention was discovered, and how it occurred, and the diligence with which this petition is being made with respect to these facts;

(c) a new declaration pursuant to 37 C.F.R. § 1.63 (five copies, each signed by one of the actual inventors);

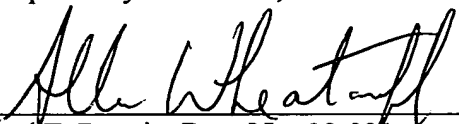
010 UT 02/03/97 68461402
1.63 139.00 LR

(d) the written consent of the assignee, Boston Scientific Technology, Inc., to change the inventorship; and

(e) an assignee certification under 37 C.F.R. § 3.73(b).

Pursuant to 37 C.F.R. § 1.17(h), a check is enclosed for the petition fee of \$130.00.

Respectfully Submitted,



Paul F. Prestia, Reg. No. 23,031
Allan M. Wheatcraft, Reg. No. 36,307
Attorneys for Applicants

AMW\mjc

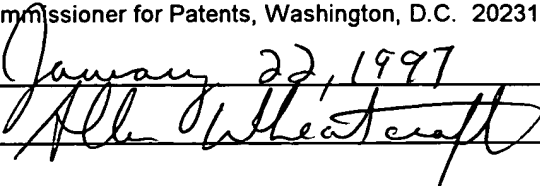
Enclosures: Statements of Facts
Declaration (5 copies)
Written Consent
Assignee Certification

Dated: January 21, 1997

Suite 301
One Westlakes, Berwyn
P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

January 22, 1997




BSI-140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: G. Goicoechea et al. : Art Unit: 3308
Serial No.: 08/461,402 : Examiner: M. Milano
Filed: June 5, 1995 :
For: BIFURCATED ENDOLUMINAL :
PROSTHESIS :

CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP

Assistant Commissioner for Patents
Washington, D.C. 20231

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GROUP 3300

S I R :

Pursuant to 37 C.F.R. § 1.48, the undersigned, a duly authorized representative of Boston Scientific Technology, Inc., hereby gives the consent of Boston Scientific Technology, Inc., as assignee of the above-identified application, to the change of inventorship in the above-identified application, from George Goicoechea, Claude Mialhe, and John Hudson, as joint inventors to George Goicoechea, Claude Mialhe, John Hudson, Andrew H. Cragg, and Michael D. Duke, as joint inventors.

Boston Scientific Technology, Inc. is the assignee of the above-identified application by virtue of the assignment documents executed by MinTec, Inc. to Boston Scientific Technology, Inc. and from the five properly-named inventors to MinTec, copies of all of which are enclosed herewith.

Respectfully Submitted,

Daniel O. Adams
Vice President, R&D
Boston Scientific Technology, Inc.

Nov. 1, 1996
Date



BSI-140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: G. Goicoechea et al. : Art Unit: 3308
Serial No.: 08/461,402 : Examiner: M. Milano
Filed: June 5, 1995 :
For: BIFURCATED ENDOLUMINAL :
PROSTHESIS :

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

Boston Scientific Technology, Inc., a Minnesota corporation having a place of business at One SCIMED Place, Maple Grove, Minnesota 55311-1566, certifies that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of assignments from the original assignee of the above-identified patent application to Boston Scientific Technology, Inc., and from the inventors of the above-identified patent application to the original assignee, copies of all of which are attached.

The undersigned has reviewed all of the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and alike so made are punishable by fine or imprisonment, or both,

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FEB 05 1997
GROUP 3300

BSI-140

- 2 -

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Respectfully Submitted,



Daniel O. Adams
Vice President, R&D
Boston Scientific Technology, Inc.

Nov 1, 1996
Date

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FEB 05 1997
GROUP 3300

PATENT ASSIGNMENT

WHEREAS, MinTec Inc., a corporation organized and existing under and by virtue of the laws of Turks and Caicos Islands, and having a place of business at Freeport, Grand Bahama, Bahamas (hereinafter "MinTec"), is the owner of the entire right, title and interest in and to U.S. Patent Application Serial No. 08/461,402, filed June 5, 1995, entitled BIFURCATED ENDOLUMINAL PROSTHESIS, and the inventions disclosed therein, by virtue of an Assignment which was recorded with the U.S. Patent and Trademark Office at Reel 7260, Frame 0520;

WHEREAS, Boston Scientific Technology, Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having a place of business at One SCIMED Place, Maple Grove, Minnesota 55311-1566 (hereinafter "Assignee"), desires to acquire from MinTec the entire right, title and interest in and to said inventions, said application, and all patents which may in the future be issued for said inventions and from said application;

NOW, THEREFORE, in consideration of the mutual covenants of the parties set forth below and in related contractual undertakings of the parties hereto, including one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound, MinTec agrees as follows:

1. MinTec hereby grants Assignee, MinTec's entire right, title and interest, for the United States of America, its territories and possessions, and for all foreign countries, in said inventions, said patent application, and all patents which may in the future be issued for said inventions and said application, and in and to all divisions and continuations thereof, all rights to claim priority based thereon, all rights to file foreign applications on said inventions, and all letters patent and reissues thereof, issued or issuing for said inventions in the United States of America and in any and all foreign countries

and all rights acquired by MinTec in prior assignments to MinTec of the property assigned hereunder.

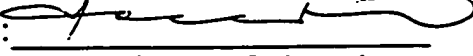
2. Upon request of Assignee or its successors or assigns or a legal representative thereof, MinTec shall supply all information and evidence of which it or any of its employees or agents has knowledge or possession, relating to the making and practice of said inventions, to have its officers or employees: testify in any legal proceeding relating thereto; execute all instruments proper to patent the inventions in the United States of America and foreign countries in the name of Assignee; and execute all instruments proper to carry out the intent of this instrument.

3. MinTec hereby assigns to Assignee all of MinTec's rights relating to the obligations imposed on the inventors of said inventions by the above-referenced Assignment.

4. MinTec hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent which issue from said application, to Assignee its successors and assigns, as the owner of all right, title and interest therein.

IN WITNESS WHEREOF, MinTec has placed its signature hereon this 29th day of April, 1996.

MinTec Inc.

By: 
Name: Dr. George Goicoechea
Title: President

United States Patent Rights

ATTORNEY DOCKET NO.

ASSIGNMENT

Serial No. _____

Filed _____

WHEREAS, Andrew Cragg, Claude Mialhe, George Goicoechea
and John Hudson

Insert Name(s)
 of Inventor(s)

(hereinafter designated as the undersigned) has (have) invented certain new and useful improvements in _____

Insert Title
 of Invention

BIFURCATED ENDOLUMINAL PROSTHESIS

for which an application for Letters Patent of the United States of America has been executed by the undersigned

Insert Date
 of Signing of
 Application

on _____; and

WHEREAS, MINTEC, INC.

Insert Name
 of Assignee

Insert Address
 of Assignee

of P.O. BOX F-44289, PEEL ST.

FREEPORT, GRAND BAHAMA, BAHAMAS

its heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America;

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America and its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted therefor in the United States of America and its territories, dependencies and possessions, and in and to any and all divisions, reissues, continuations and extensions thereof for the full term or terms for which the same may be granted.

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

REEL 7171 FRAME 112

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division or reissue thereof or Letters Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents and Trademarks to issue any and all Letters Patents of the United States of America resulting from said application or any division or divisions or continuing or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of _____ the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U. S. Patent and Trademark Office for recordation of this document.

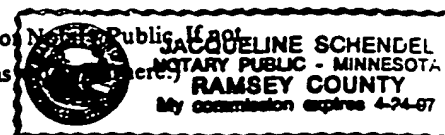
In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date 8/22/94 Name of Inventor Andrew Cragg _____ (signature) (SEAL)
Date 9/5/94 Name of Inventor Claude Mialhe _____ (signature) (SEAL)
Date August 29/94 Name of Inventor George Goicoechea _____ (signature) (SEAL)
Date 14 August - 94 Name of Inventor John Hudson _____ (signature) (SEAL)
Date _____ Name of Inventor _____ (signature) (SEAL)

RECORDED
PATENT & TRADEMARK OFFICE

SEP 27 94

(This assignment should preferably be acknowledged before a United States Consul or Notary Public. If not, then the execution by the Inventor(s) should be witnessed by at least two other persons.)



Witness Jacqueline Schendel
Witness Jean A. Carter
Witness _____
Je soussigné Gérard LIOT, notaire associé
VIDAUBAN (83550), certifie véritable la
signature de M. Monsieur Claude MIALHE.
apposée ce jour
10 SEPTEMBRE 1994 en ma présence

Release and Assignment

This is an Agreement, effective as of April 30, 1996, between Dr. Michael Dake, of Palo Alto, California and MinTec, Inc., a company organized under the laws of the Turks and Caicos (hereafter MinTec).

WHEREAS, MinTec is in the business of developing and selling endoluminal stents, stent-grafts and related equipment and methods,

WHEREAS, Dr. George Goicoechea, Dr. Andrew Cragg and Mr. John Hudson are or were associated with MinTec and are or were involved in the above referenced developments,

WHEREAS, Dr. Dake is an Interventional Radiologist at Stanford University Hospital,

WHEREAS, at some time on or after January 21, 1993, Dr. Dake discussed, consulted, and communicated with one or more of Dr. George Goicoechea, Dr. Andrew Cragg and Mr. John Hudson, concerning various aspects of a prospective product generally characterized as a bifurcated stent-graft, embodying a modular concept for sequential installation, connection and placement, of a first large fabric-covered stent module having a single large opening at one end and two smaller openings at the other end, at least one of the smaller openings including a stub or extension adapted to receive a second fabric-covered stent module (as illustrated, for example, in PCT Published Patent Application # WO 95/21592),

WHEREAS, Dr. Dake has submitted to MinTec's attorney documentation which Dr. Dake believes establishes that Dr. Dake made a contribution to the development of said bifurcated stent-graft,

WHEREAS, the parties now wish to acknowledge all past services of Dr. Dake to MinTec and whatever contributions Dr. Dake may have made to the development of that product, to compensate Dr. Dake for those services and contributions and to confirm that any and all right, title and interest Dr. Dake may have therein is hereby assigned to MinTec and to its successors in interest.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto intending to be legally bound hereby, agree and promise that:

Dr. Dake hereby assigns and releases to MinTec all right, title and interest he has or may have in any design, suggestion, concept, invention or contribution which he made in the course of his above referenced discussions and communications with MinTec, or anyone associated with MinTec, specifically including but not limited to

Release and Assignment, continued

any and all inventions disclosed in the above referenced patent application and any and all improvements or modifications thereof.

Dr. Dake also hereby assigns and releases to MinTec all right, title and interest he has or may have, in any and all patents and/or patent applications including a disclosure of any such design, suggestion, concept, invention or contribution which he made in the course of his discussions and communications with MinTec or anyone associated with MinTec, or any improvement of modification thereof.

Dr. Dake agrees, at the expense of MinTec, to cooperate in the preparation, prosecution and enforcement of any such patents and/or patent applications, including the review and execution of any documents and the giving of testimony for which he may be called upon.

To the extent Dr. Dake may consider that he may have made any inventive contribution to any such invention, he agrees to provide to an attorney representing MinTec any and all additional documentation or proof he may have, or may reasonably obtain, of such possible inventive contribution, above and beyond that which Dr. Dake has already submitted.

MinTec agrees that its attorney will give full consideration to any such additional documentation or proof offered by Dr. Dake, and to the documentation already submitted, reserving to MinTec sole and complete discretion to interpret, use and take such action related thereto, as it deems appropriate, including, if deemed appropriate by MinTec's attorney, the naming of Dr. Dake as a co-inventor in any patent or patent application, filed or to be filed, in the U.S. or elsewhere.

MinTec agrees, upon execution of this Agreement by Dr. Dake, to make a one time payment to Dr. Dake in the amount of eight hundred thousand U.S. dollars (U.S. \$800,000.00), which shall be considered payment in full for all rights and releases assigned or made hereunder by Dr. Dake and for all past services of Dr. Dake to MinTec.

Dr. Dake agrees upon receipt of the foregoing payment that any and all claims he has or may have against MinTec or anyone associated with MinTec, arising from the above referenced discussions and communications, are hereby released.

To the extent this Agreement creates rights in and obligations to MinTec, those rights and obligations are freely assignable by MinTec and any resultant successor or assignee shall be fully entitled to the benefit of the same rights and obligations, as is MinTec in accordance herewith.

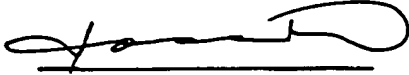
Release and Assignment, continued

To the extent Dr. Dake, by virtue of this Agreement, assigns and/or releases any rights, he hereby warrants that he has the unencumbered right to do so.

UNDERSTOOD AND AGREED

MinTec, Inc.

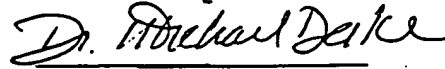
By



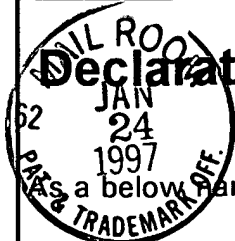
President

Date: May 6, 1996

Dr. Michael Dake



Date: May 6, 1996



Declaration and Power of Attorney For Patent Application

English Language Declaration

I, a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor, of the subject matter which is claimed and for which a patent is sought on the invention entitled BIFURCATED ENDOLUMINAL PROSTHESIS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on June 5, 1995 as United States Application Number 08/461,402 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is not claimed:

Prior Foreign Application(s)

EP94400284.9

EPO

(Number)

(Country)

February 9, 1994

(Day/Month/Year Filed)

Priority Not Claimed

☐

EP94401306.9

EPO

(Number)

(Country)

June 10, 1994

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

08/312,881

(Application Number)

09/27/94

(Filing Date)

Pending

(Status - patented, pending, abandoned)

08/317,763

(Application Number)

10/04/94

(Filing Date)

Allowed

(Status - patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Paul F. Prestia	Reg. No. 23,031	Viviana Amzel	Reg. No. 30,930
Allan Ratner	Reg. No. 19,717	Lawrence E. Ashery	Reg. No. 34,515
Andrew L. Ney	Reg. No. 20,300	Christopher R. Lewis	Reg. No. 36,201
Kenneth N. Nigon	Reg. No. 31,549	Steven E. Koffs	Reg. No. 37,163
Kevin R. Casey	Reg. No. 32,117	Anthony L. DiBartolomeo	Reg. No. 37,308
Guy T. Donatiello	Reg. No. 33,167	Allan M. Wheatcraft	Reg. No. 36,307
Benjamin E. Leace	Reg. No. 33,412	Anthony Grillo	Reg. No. 36,535
James C. Simmons	Reg. No. 24,842	Leon Nigohosian, Jr.	Reg. No. 39,791

Address all correspondence to: Paul F. Prestia

Ratner & Prestia, Suite 301, One Westlakes, Berwyn, P.O. Box 980, Valley Forge, PA 19482-0980

Address all telephone calls to: Paul F. Prestia at (610) 407-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name and address of joint inventor signing this copy of declaration (given name, family name) Claude Mialhe

First Inventor's signature _____

Date

Jan 16, 1997

Residence Av. Pierre Brossolette, 83300 Draguignan, France

Citizenship France

Post Office Address Av. Pierre Brossolette, 83300 Draguignan,

France

Full name and address of additional joint inventor (given name, family name) George Goicoechea

Residence P.O. Box F-44289, Freeport, Grand Bahama, Bahamas

Citizenship United States

Post Office Address P.O. Box F-44289, Freeport, Grand Bahama

Bahamas



Additional inventors are being named on separately numbered sheets attached hereto.

Full name and address of additional joint inventor (given name, family name) John Hudson

Residence 1A Salcombe Drive, Glenfield, Leicester LE3 8AG, ENGLAND

Citizenship United Kingdom

Post Office Address 1A Salcombe Drive

Glenfield,

Leicester LE3 8AG

ENGLAND

Full name and address of additional joint inventor (given name, family name) Andrew H. Cragg

Residence 4502 Edina Boulevard, Edina, Minnesota 55424

Citizenship United States

Post Office Address 4502 Edina Boulevard

Edina, Minnesota 55424

Full name and address of additional joint inventor (given name, family name) Michael D. Dake

Residence 665 Gerona Road, Stanford, California 94305

Citizenship United States

Post Office Address 665 Gerona Road

Stanford, California 94305



Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor, of the subject matter which is claimed and for which a patent is sought on the invention entitled BIFURCATED ENDOLUMINAL PROSTHESIS, the specification of which is attached hereto unless the following box is checked:

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Prior Foreign Application(s)

EP94400284.9

EPO

February 9, 1994

(Number)

(Country)

(Day/Month/Year Filed)

Priority Not Claimed

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EP94401306.9

EPO

June 10, 1994

(Number)

(Country)

(Day/Month/Year Filed)

☐

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(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

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(Application Number)

09/27/94

(Filing Date)

Pending

(Status - patented, pending, abandoned)

08/317,763

(Application Number)

10/04/94

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Allan Ratner	Reg. No. 19,717	Lawrence E. Ashery	Reg. No. 34,515
Andrew L. Ney	Reg. No. 20,300	Christopher R. Lewis	Reg. No. 36,201
Kenneth N. Nigon	Reg. No. 31,549	Steven E. Koffs	Reg. No. 37,163
Kevin R. Casey	Reg. No. 32,117	Anthony L. DiBartolomeo	Reg. No. 37,308
Guy T. Donatiello	Reg. No. 33,167	Allan M. Wheatcraft	Reg. No. 36,307
Benjamin E. Leace	Reg. No. 33,412	Anthony Grillo	Reg. No. 36,535
James C. Simmons	Reg. No. 24,842	Leon Nigohosian, Jr.	Reg. No. 39,791

Address all correspondence to: Paul F. Prestia

Ratner & Prestia, Suite 301, One Westlakes, Berwyn, P.O. Box 980, Valley Forge, PA 19482-0980

Address all telephone calls to: Paul F. Prestia at (610) 407-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name and address of joint inventor signing this copy of declaration (given name, family name) John Hudson

First Inventor's signature 

Date 11-Jan-97

Residence 1A Salcombe Drive, Glenfield, Leicester LE3 8AG, ENGLAND

Citizenship United Kingdom

Post Office Address 1A Salcombe Drive

Glenfield,

Leicester LE3 8AG

ENGLAND

Full name and address of additional joint inventor (given name, family name) George Goicoechea

Residence P.O. Box F-44289, Freeport, Grand Bahama, Bahamas

Citizenship United States

Post Office Address P.O. Box F-44289, Freeport, Grand Bahama

Bahamas



Additional inventors are being named on separately numbered sheets attached hereto.

Full name and address of additional joint inventor (given name, family name) Claude Mialhe

Residence Av. Pierre Brossolette, 83300 Draquignan, France

Citizenship France

Post Office Address Av. Pierre Brossolette, 83300 Draquignan,
France

Full name and address of additional joint inventor (given name, family name) Andrew H. Cragg

Residence 4502 Edina Boulevard, Edina, Minnesota 55424

Citizenship United States

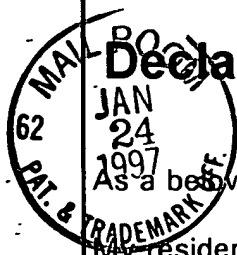
Post Office Address 4502 Edina Boulevard
Edina, Minnesota 55424

Full name and address of additional joint inventor (given name, family name) Michael D. Dake

Residence 665 Gerona Road, Stanford, California 94305

Citizenship United States

Post Office Address 665 Gerona Road
Stanford, California 94305



Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor, of the subject matter which is claimed and for which a patent is sought on the invention entitled BIFURCATED ENDOLUMINAL PROSTHESIS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on June 5, 1995 as United States Application Number 08/461,402 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is not claimed:

Prior Foreign Application(s)

EP94400284.9

EPO

(Number)

(Country)

February 9, 1994

(Day/Month/Year Filed)

Priority Not Claimed

☐

EP94401306.9

EPO

(Number)

(Country)

June 10, 1994

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

08/312,881

(Application Number)

09/27/94

(Filing Date)

Pending

(Status - patented, pending, abandoned)

08/317,763

(Application Number)

10/04/94

(Filing Date)

Allowed

(Status - patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Paul F. Prestia	Reg. No. 23,031	Viviana Amzel	Reg. No. 30,930
Allan Ratner	Reg. No. 19,717	Lawrence E. Ashery	Reg. No. 34,515
Andrew L. Ney	Reg. No. 20,300	Christopher R. Lewis	Reg. No. 36,201
Kenneth N. Nigon	Reg. No. 31,549	Steven E. Koffs	Reg. No. 37,163
Kevin R. Casey	Reg. No. 32,117	Anthony L. DiBartolomeo	Reg. No. 37,308
Guy T. Donatiello	Reg. No. 33,167	Allan M. Wheatcraft	Reg. No. 36,307
Benjamin E. Leace	Reg. No. 33,412	Anthony Grillo	Reg. No. 36,535
James C. Simmons	Reg. No. 24,842	Leon Nigohosian, Jr.	Reg. No. 39,791

Address all correspondence to: Paul F. Prestia

Ratner & Prestia, Suite 301, One Westlakes, Berwyn, P.O. Box 980, Valley Forge, PA 19482-0980

Address all telephone calls to: Paul F. Prestia at (610) 407-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name and address of joint inventor signing this copy of declaration (given name, family name) Andrew H. Cragg

First Inventor's signature _____

Date 1. 8. 97

Residence 4502 Edina Boulevard, Edina, Minnesota 55424

Citizenship United States

Post Office Address 4502 Edina Boulevard

Edina, Minnesota 55424

Full name and address of additional joint inventor (given name, family name) George Goicoechea

Residence P.O. Box F-44289, Freeport, Grand Bahama, Bahamas

Citizenship United States

Post Office Address P.O. Box F-44289, Freeport, Grand Bahama

Bahamas



Additional inventors are being named on separately numbered sheets attached hereto.

Full name and address of additional joint inventor (given name, family name) Claude Mialhe

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Full name and address of additional joint inventor (given name, family name) John Hudson

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Full name and address of joint inventor signing this copy of declaration (given name, family name) George Goicoechea

First Inventor's signature  Date 1/18/97

Residence P.O. Box F-44289, Freeport, Grand Bahama, Bahamas

Citizenship United States

Post Office Address P.O. Box F-44289, Freeport, Grand Bahama
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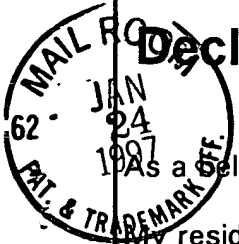
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Full name and address of joint inventor signing this copy of declaration (given name, family name) Michael D. Dake

First Inventor's signature

Michael D. Dake

Date

January 8, 1997

Residence 665 Gerona Road, Stanford, California 94305

Citizenship United States

Post Office Address 665 Gerona Road

Stanford, California 94305

Full name and address of additional joint inventor (given name, family name) George Goicoechea

Residence P.O. Box F-44289, Freeport, Grand Bahama, Bahamas

Citizenship United States

Post Office Address P.O. Box F-44289, Freeport, Grand Bahama

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Citizenship United States

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BSI-140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: G. Goicoechea et al. : Art Unit: 3308
Serial No.: 08/461,402 : Examiner: M. Milano
Filed: June 5, 1995 :
For: BIFURCATED ENDOLUMINAL :
PROSTHESIS :

**VERIFIED STATEMENT OF FACTS, BY PAUL F. PRESTIA AND ALLAN
M. WHEATCRAFT, PURSUANT TO 37 C.F.R. § 1.48(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

We, Paul F. Prestia and Allan M. Wheatcraft, hereby declare as follows:

1. We are Attorneys in the firm of Ratner & Prestia, a professional corporation. We are registered to practice before the Patent and Trademark Office, and we prepared and filed this application on June 13, 1996 and its U.S. parent applications on September 27, 1994 (U.S. Serial No. 08/312,881) and October 4, 1994 (U.S. Serial No. 08/317,763).

2. We prepared the parent application '763 of the present application from disclosures provided to us in August 1994. The inventorship entity supplied to us contained only the names of the three (3) co-inventors originally named in this application. Although the parent of the '763 application (Serial No. 08/312,881, of which the '763 application is a continuation-in-part) named Dr. Andrew H. Cragg as a co-inventor, our understanding at the time of filing the '763 application was that the development of the specific subject matter added by the '763 application as a CIP over its parent (the '881 application) had been developed after (and therefore without) Dr. Cragg's input. We were not consulted regarding this conclusion, nor did we perform any investigation to confirm or refute it as of the date of filing the '763 application (because there was no indication of any question regarding the inventorship at that

time). Accordingly, the '763 application was filed with the original inventorship entity naming only the three co-inventors, and the application was assigned to the original assignee, MinTec, Inc. The present application was filed as a divisional application of the '763 application just prior to GATT-related changes.

3. Commencing in 1995 and culminating in the spring of 1996, MinTec, Inc. was involved in negotiating the sale of its assets to Boston Scientific Technology, Inc. During the course of these negotiations, Boston Scientific raised the question of whether the inventorship entity named in the present application was correct. On information and belief, Dr. Michael D. Dake had indicated to someone in the industry that he had contributed to the development of the invention.

4. In response to the question raised by Boston Scientific, we solicited proofs including documentary evidence and oral testimony from all of the named co-inventors and from Dr. Dake, as well as from Dr. Cragg, regarding the facts surrounding the development of the present invention.

5. To the extent we believed necessary, certain of these proofs were corroborated by statements from individuals other than the above-named co-inventors. The last of these statements was received August 8, 1996.

6. Based on this evidence, we concluded that Dr. Dake and Dr. Cragg were co-inventors of the present invention and were erroneously omitted from this application innocently and without deceptive intent. We then communicated this conclusion to Dr. Dake and Dr. Cragg and to all of the originally named co-inventors in the application in a letter mailed August 26, 1996, and requested any further comments or proofs regarding development of the invention by September 9, 1996.

7. As of September 9, 1996, we had spoken with all the originally named co-inventors and Dr. Dake and Dr. Cragg, to ensure that we had considered all of the available relevant facts.

8. Our conclusion was that Dr. Michael D. Dake and Dr. Andrew H. Cragg are co-inventors, with George Goicoechea, Claude Mialhe, and

John Hudson, of the invention claimed in this application and that the omission of Dr. Dake and Dr. Cragg as named co-inventors occurred through error without any deceptive intention on anyone's part.

9. Accordingly, we immediately began preparing this petition for correction of inventorship, and accompanying Declarations and Verifications, to satisfy the diligence requirement of 37 C.F.R. § 1.48(a). The inventorship study also involved determination of inventorship in nine related applications directed to this technology, and the necessary documentation for changing inventorship was also prepared in six of those related applications. The situation was further complicated because the inventors are located in three different countries around the world, as well as the Bahamas, making communications difficult. Proper resolution of the inventorship issues in these cases was thus a substantial undertaking requiring much time-consuming effort and coordination.

10. The first set of documents requiring inventor signatures to correct the inventorship in this case was completed and shipped to the inventors on November 1, 1996. The last of these documents to be executed and returned (after oral discussions with the inventor) was received by us on December 10, 1996. Upon final review of these documents for filing with the USPTO, certain informalities in the documents were discovered that required correction according to the Manual of Patent Examining Procedure. Accordingly, a new set of documents was prepared by us and sent to the inventors for execution on January 9, 1997. The last of these documents was executed and returned to us on January 20, 1997.

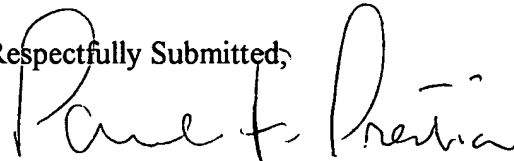
11. A review of our billing records indicates that since the determination that there was an error in the inventorship entity in these applications, as memorialized in our letter to the inventors on August 26, 1996, we spent a total of at least 100 hours effecting the inventorship changes. This reflects an on-going effort, on a significant scale, on this project for five consecutive months.

12. As of the filing of these documents, this application is awaiting a first Office Action after Applicants filed a response to a Restriction Requirement. The response to the Restriction Requirement sufficiently identifies

the invention in the application such that a determination of inventorship may be made.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

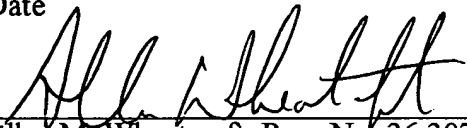
Respectfully Submitted,



Paul F. Prestia, Reg. No. 23,031

1/21/97

Date



Allan M. Wheatcraft, Reg. No. 36,307

1/22/97

Date



BSI-140

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Serial No.: 08/461,402 : Examiner: M. Milano
Filed: June 5, 1995 :
For: BIFURCATED ENDOLUMINAL :
PROSTHESIS :

**VERIFIED STATEMENT OF FACTS, BY DR. CLAUDE MIALHE,
PURSUANT TO 37 C.F.R. § 1.48(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

I, Dr. Claude Mialhe, an originally named inventor in the above-identified application, hereby declare as follows:

1. I am one of the co-inventors of the invention claimed in this application.
2. Over the course of many months during the development of the invention claimed in this application, I conferred about the invention only with Dr. Goicoechea and Mr. Hudson. I did not have any contact with Dr. Michael D. Dake or Dr. Andrew H. Cragg during this development, nor was I aware of any contact between any of the other originally named co-inventors and Dr. Cragg or Dr. Dake.
3. I have no direct knowledge of any contribution to the invention claimed in this application by either Dr. Cragg or Dr. Dake.
4. Mr. Paul F. Prestia and Mr. Allan M. Wheatcraft, attorneys at the law firm of Ratner & Prestia, contacted me in the Spring of 1996 to discuss my role in the development of the present invention. I submitted oral testimony and written documents to Messrs. Prestia and Wheatcraft concerning my role in the development.

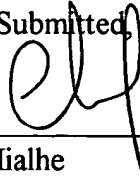
5. I have received from Messrs. Prestia and Wheatcraft a letter dated August 26, 1996, indicating that as a result of their investigation they had concluded that Dr. Dake and Dr. Cragg should be named as co-inventors of the invention claimed in this application. That was the first time I was made aware that Dr. Dake and Dr. Cragg were inventors who had been erroneously omitted from this application. I now understand therefore that Dr. Dake and Dr. Cragg should properly be named as co-inventors in this application.

6. On information and belief, the omission of Dr. Dake and Dr. Cragg as named co-inventors occurred through innocent error without any deceptive intention on my part.

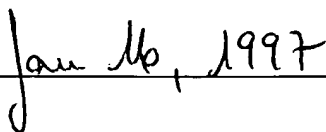
7. On September 5, 1994, I executed a declaration in the grandparent of this application, and on December 12, 1994, I executed a declaration in the parent application. When I executed those declarations, I had reviewed and understood the contents of the specifications including the claims, and I had reviewed the declarations prior to execution. Despite such reviews, because of my understanding of the events surrounding the development of the invention as described above, the innocent error in not naming Dr. Cragg and Dr. Dake as inventors occurred.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Respectfully Submitted,



Dr. Claude Mialhe



Date



BSI-140

PATENT

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**VERIFIED STATEMENT OF FACTS, BY JOHN HUDSON,
PURSUANT TO 37 C.F.R. § 1.48(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

I, John Hudson, an originally named inventor in the above-identified application, hereby declare as follows:

1. I am one of the co-inventors of the invention claimed in this application. I am also a former employee of the original assignee of the parent of the present application, MinTec, Inc. One of the other co-inventors, Dr. George Goicoechea, was President of MinTec, Inc.

2. Over the course of many months during the development of the invention claimed in this application, I conferred with all of the other co-inventors originally named in this application.

3. During the early phases of the development, I also had conferred with Dr. Andrew H. Cragg.

4. For a relatively brief period of time during the development of the technology, Dr. Michael D. Dake conferred with me about the invention pursuant to a suggestion by Dr. Goicoechea and that of Dr. Cragg, who was an

acquaintance of Dr. Dake and who thought Dr. Dake might be able to assist in the development of the invention.

5. During my discussions with Dr. Dake, I believed that all information conveyed to me regarding the invention by Dr. Dake originated with Dr. Cragg. Accordingly, Dr. Goicoechea and I came to believe that Dr. Dake had made no original contribution to the development of the invention claimed in this and related applications.

6. Accordingly, I ceased communication with Dr. Dake regarding the invention.

7. Upon completion of the development of the invention and preparation of the present application, I erroneously believed that Dr. Dake did not contribute to the invention and was therefore not an inventor. Dr. Dake was thus not named in the application papers originally filed.

8. Because Dr. Cragg was primarily involved only in the early stage of development of the technology (and his contribution to that development is evidenced by his being named as an inventor in related applications covering the technology), and because the particular invention claimed in the immediate parent (Ser. No. 08/317,763) of the present application was thought to have been developed after Dr. Cragg's involvement, Dr. Goicoechea and I believed that Dr. Cragg was not an inventor of the particular invention claimed in that application. At that time, we were not aware that certain evidence in our possession might have led counsel to a different conclusion either with respect to the invention originally claimed in the parent (Ser. No. 08/317,763) of this application as filed, or in inventions claimed later. In any event, this evidence was not then made available to the U.S. attorneys responsible for that parent (Ser. No. 08/317,763) application, Paul F. Prestia and Allan M. Wheatcraft.

9. Thereafter, recognizing the significance of the GATT related changes in the U.S. Patent Law and the possibility that numerous divisional

applications of Serial No. 08/317,763 might be required, counsel advised the filing of a number of continuation applications, including this one, just prior to that change in the law on June 6, 1995.

10. In the Spring of 1996, MinTec, Inc. sold all of its assets, including rights to the present application, to the present assignee, Boston Scientific Technology, Inc. During the negotiations leading to the sale of these assets, a question was raised by Boston Scientific regarding the inventorship of the invention claimed in this application. Upon information and belief, Dr. Dake had made statements to others in the industry indicating that he had contributed to the development of the invention.

11. In response to this issue raised by Boston Scientific, an investigation was conducted by Messrs. Prestia and Wheatcraft regarding the inventorship of this invention. On information and belief, all of the originally named inventors in this application and Dr. Cragg and Dr. Dake submitted documentary proof and oral testimony to Messrs. Prestia and Wheatcraft as part of this investigation.

12. Messrs. Prestia and Wheatcraft sent me a letter dated August 26, 1996, indicating that as a result of their investigation they had concluded that Dr. Dake and Dr. Cragg should be named as co-inventors of the invention claimed in this application. That was the first time I had been made aware that Dr. Cragg and Dr. Dake were inventors who had been erroneously omitted from the application.

13. The omission of Dr. Dake and Dr. Cragg as named co-inventors occurred through error without any deceptive intention on my part.

14. On August 4, 1994, I executed a declaration in the grandparent of this application, and on December 6, 1994, I executed a declaration in the parent application. When I executed those declarations, I had reviewed and understood the contents of the specifications including the claims, and I had

reviewed the declarations prior to execution. Despite such reviews, because of my understanding of the events surrounding the development of the invention as described above, the error in not naming Dr. Cragg and Dr. Dake as inventors occurred.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Respectfully Submitted,



Mr. John Hudson

11-Jan-97

Date



BSI-140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: G. Goicoechea et al. : Art Unit: 3308
Serial No.: 08/461,402 : Examiner: M. Milano
Filed: June 5, 1995 :
For: BIFURCATED ENDOLUMINAL :
PROSTHESIS :

**VERIFIED STATEMENT OF FACTS, BY DR. GEORGE GOICOECHEA,
PURSUANT TO 37 C.F.R. § 1.48(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

I, Dr. George Goicoechea, an originally named inventor in the above-identified application, hereby declare as follows:

1. I am one of the co-inventors of the invention claimed in this application. I am also the former President of the original assignee of the parent of the present application, MinTec, Inc. One of the other co-inventors, John Hudson, is a former employee of MinTec.

2. Over the course of many months during the development of the invention claimed in this application, I conferred about the invention with all of the other co-inventors originally named in this application.

3. During the early phases of this development period, I also conferred with Dr. Andrew H. Cragg and met with Dr. Michael D. Dake. An affiliate of MinTec, Inc. had earlier taken assignment from Dr. Cragg of a related invention which Dr. Cragg had developed independently. At my request, and pursuant to a suggestion of Dr. Cragg, Dr. Dake conferred with Mr. Hudson.

4. On information and belief, Mr. Hudson believed that all information conveyed to him regarding the invention by Dr. Dake originated with

Dr. Cragg. Accordingly, Mr. Hudson and I came to believe that Dr. Dake had made no original contribution to the development of the invention claimed in this and related applications.

5. Accordingly, communications between Dr. Dake and Mr. Hudson concerning the invention ceased.

6. Because Dr. Cragg was primarily involved only in the early stage of development of the technology (and his contribution to that development is evidenced by his being named as an inventor in a related application covering the technology), and because the particular invention claimed in the present application was thought by me to have been developed after Dr. Cragg's involvement, Mr. Hudson and I believed that Dr. Cragg was not an inventor of any invention claimed in the parent (Ser. No. 08/317,763) of this application. We did believe, however, that Dr. Cragg had contributed to certain inventions of the grandparent application (Ser. No. 08/312,881). Thus, Dr. Cragg was included as a co-inventor in the European applications first filed on this technology (and upon which was based the grandparent application) and in the grandparent application.

7. Upon completion of the development of the invention claimed in the parent (Ser. No. 08/317,763) of the present application, I erroneously believed, as did Mr. Hudson, that neither Dr. Dake nor Dr. Cragg had contributed to the invention specifically claimed in that application. Therefore, neither were named as inventors. We did not consult with U.S. counsel Paul F. Prestia and Allan M. Wheatcraft of Ratner & Prestia regarding our conclusion on this point (we just presented it to them). Nor did we consider the relevancy of certain facts and documents that were therefore not furnished to counsel until much later, after that parent application had been filed.

8. Thereafter, recognizing the significance of the GATT related changes in the U.S. Patent Law and the possibility that numerous divisional applications of Serial No. 08/317,763 might be required, counsel advised and I approved the filing a number of continuation applications, including this one, just prior to that change in the law on June 6, 1995.

9. Prior to the above referenced Dake-Hudson communications, I had met with Dr. Dake, and had discussed the possibility of his involvement in a collaborative effort which I was then organizing. I understand that in the course of those discussions, Dr. Dake believes that he disclosed to me some aspects of the invention claimed in this and related applications. I do not specifically recall such disclosures but under all of the circumstances of which I have now been made aware, I believe that such a disclosure was made.

10. In the spring of 1996, MinTec, Inc., sold all of its assets, including the present application, to the present assignee, Boston Scientific Technology, Inc. During the negotiations leading to the sale of these assets, a question was raised by Boston Scientific regarding the inventorship of the invention claimed in the parent of this application. Upon information and belief, Dr. Dake had made statements to others in the industry indicating that he contributed to the development of the invention.

11. In response to this issue raised by Boston Scientific, an investigation was conducted by attorneys Paul F. Prestia and Allan M. Wheatcraft at the law firm of Ratner & Prestia regarding the inventorship of this invention. On information and belief, all of the originally named inventors in this application and Dr. Cragg and Dr. Dake submitted documentary proof and oral testimony to Messrs. Prestia and Wheatcraft as part of this investigation.

12. Messrs. Prestia and Wheatcraft summarized their analysis and conclusions in a letter to me dated August 26, 1996. That letter indicated that Messrs. Prestia and Wheatcraft had concluded that Dr. Dake and Dr. Cragg should be named as co-inventors of the invention claimed in this application (which was filed before that investigation was completed). That was the first time I was made aware that Dr. Dake and Dr. Cragg were inventors who had been erroneously omitted from this application.

13. The omission of Dr. Dake and Dr. Cragg as named co-inventors occurred through error without any deceptive intention on my part.

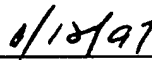
14. On August 29, 1994, I executed a declaration in the grandparent of this application, and on December 6, 1994, I executed a declaration in the parent application. When I executed those declarations, I had reviewed and understood the contents of the specifications including the claims, and I had reviewed the declarations prior to execution. Despite such reviews, because of my understanding of the events surrounding the development of the invention as described above, the error in not naming Dr. Cragg and Dr. Dake as inventors occurred.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Respectfully Submitted,



Dr. George Goicoechea



Date